

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE:

Sean M. Duff,
(SS# XXX-XX-1178)

Debtor.

Hearing: February 2, 2017, 9:15 a.m.

Location: Albany

Movant: Suntrust Mortgage, Inc.

**Case No: 16-11770
(Chapter 13)**

**TRUSTEE'S LIMITED OBJECTION/RESPONSE TO NOTICE OF MOTION AND
MOTION FOR AN ORDER GRANTING MOVANT RELIEF FROM STAY**

Andrea E. Celli, Esq., Chapter 13 Standing Trustee (the "Trustee") states the following as and for her objection to the Motion by Movant pursuant to 11 U.S.C. §362(d):

1. On September 29, 2016, Debtor filed a Chapter 13 petition for relief.
2. A hearing on confirmation of Debtor's proposed plan is scheduled for February 16, 2017.
3. The movant's motion does not indicate that fees and/or costs will be sought in connection with the motion, however, the proposed order submitted with the motion includes an award of fees and costs in an undisclosed amount.
4. The Trustee objects to an award of fees and costs without notice and request of the same in a motion on the matter.
5. If fees and costs are granted in connection with a motion for relief from the automatic stay, the Trustee would object to an award in excess of \$631.00 (\$450.00 in attorney's fees and \$181.00 in costs) in connection with a motion granted by default absent evidence of the time expended in preparation of the motion. If the matter is settled conditionally with the debtor(s) counsel, the Trustee would object to an award of fees in excess of \$731.00 (\$550.00 in attorney's fees and \$181.00 in costs).

WHEREFORE, the Trustee respectfully requests that this Court deny creditor's request granting relief from the automatic stay in the real property or adjourn the matter to allow the

creditor to cure the objection, and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,
Andrea E. Celli, Esq.
Chapter 13 Trustee
7 Southwoods Boulevard
Albany, New York 12211

Dated: January 10, 2017

By: /s/ Bonnie S. Baker
Bonnie S. Baker, Esq.

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AFFIDAVIT OF SERVICE

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BETH E. LAVALLE, BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS OVER THE AGE OF 18 YEARS; THAT SHE SERVED A COPY OF TRUSTEE'S OBJECTION TO MOTION FOR RELIEF FROM THE AUTOMATIC STAY DATED JANUARY 10, 2017 ON THE FOLLOWING PARTIES IN THE FOLLOWING MANNER ON JANUARY 10, 2017:

VIA CM/ECF SYSTEM MAIL

Barbara A. Whipple, Esq.

Christiaan VanNiekerk, Esq.

Office of the United States Trustee

VIA REGULAR U.S. MAIL

Sean M. Duff
19 Russell Court
Troy, NY 12182

BY DEPOSITING A TRUE AND CORRECT COPY OF THE SAME PROPERLY ENCLOSED IN A POST-PAID WRAPPER IN THE OFFICIAL DEPOSITORY MAINTAINED AT 7 SOUTHWOODS BOULEVARD, ALBANY, NEW YORK DIRECTED TO SAID PERSON(S) AT SAID ADDRESSES.

/s/ Beth E. LaValle
Beth E. LaValle

Sworn to before me this
10th day of January, 2017

/S/ Bonnie S. Baker
Reg. #01BA5073612
Notary Public – State of New York
Qualified in Albany County
My Commission Expires 02/24/19